

EXHIBIT 6

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CLYDE RAY SPENCER, MATTHEW RAY
SPENCER and KATHRYN E. TETZ,

Plaintiffs,

v.

No. 11-5424 BHS

FORMER DEPUTY PROSECUTING ATTORNEY FOR)
CLARK COUNTY JAMES M. PETERS, DETECTIVE)
SHARON KRAUSE, SERGEANT MICHAEL)
DAVIDSON, CLARK COUNTY PROSECUTOR'S)
OFFICE, CLARK COUNTY SHERIFF'S OFFICE,)
THE COUNTY OF CLARK, SHIRLEY SPENCER)
and JOHN DOES ONE through TEN,)

Defendants.)

DEPOSITION UPON ORAL EXAMINATION OF
KATHRYN ELIZABETH TETZ

Wednesday, November 14, 2012
10:00 a.m.
1201 Third Avenue, Suite 2200
Seattle, Washington

Reported by Marlis J. DeJongh, CCR, RPR

Lic. No. DE-JO-NM-J498K9

APPEARANCES

For the Plaintiffs: KATHLEEN J. ZELLNER
and DOUGLAS H. JOHNSON
Attorneys
1901 Butterfield Road,
Suite 650
Downers Grove, Illinois 60515

For Defendant Davidson: JEFFREY A.O. FREIMUND
Attorney
711 Capitol Way S, Suite 602
Olympia, Washington 98501

For Defendant Krause: GUY BOGDANOVICH
Attorney
2674 R W Johnson Blvd. SW
Tumwater, Washington 98512

For Defendant Peters: PATRICIA C. FETTERLY
Assistant Attorney General
7141 Cleanwater Drive SW
Olympia, Washington 98504

Court Reporter: MARLIS J. DeJONGH, CCR, RPR
1400 Hubbell, Suite 1510
Seattle, Washington 98101

KATHRYN ELIZABETH TETZ, deponent herein, being first duly
sworn on oath, was examined and
testified as follows:

EXAMINATION

BY MS. FETTERLY:

Q. Would you state your name, please.

A. Kathryn Elizabeth Tetz.

Q. And where do you reside, Ms. Tetz?

A. Now in Lincoln, California.

Q. And where is Lincoln located?

A. It's near Sacramento.

Q. It's a suburb of Sacramento?

A. Uh-huh.

Q. Are you married?

A. Yes.

Q. And what is your husband's name?

A. Michael Tetz.

Q. How long have you and he been married?

A. It will be seven years in June.

Q. And I take it, is he your first and only marriage?

A. Yes.

Q. Do you have children?

A. I do.

Q. What are their names and ages?

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No.	Description	Marked	Identified
1.	Document Spencer-04109-10	19	19
2.	10/16/84 Utility Report	31	31
3.	10/18/84 Utility Report	31	32
4.	3/25/85 Utility Report	31	43
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A. My stepdaughter Samantha is 12, my firstborn
daughter Mia is six, and Lily is two and a half.

Q. And I take it, does your household consist of
yourself, your husband --

A. And our three daughters.

Q. Does your stepdaughter live with you pretty much
full-time?

A. Yes.

Q. So your husband then has pretty much full custody
of her?

A. Uh-huh. Her mother has her every other weekend.

Q. But your husband is the primary custodial --

A. Yes.

COURT REPORTER: Make sure you wait until she
finishes speaking.

Q. It's a real natural concept but she can't take both
of us down at the same time.

And then one other thing I would caution you about, be
certain to answer audibly. You can't just answer with a
shake of the head or a nod.

A. Okay.

MR. BOGDANOVICH: And I would ask you to try to
keep your voice up. You're a little soft-spoken. I
don't want to have to ask you to repeat. There's a
background hum in here too.

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1 rewarding you at the end of each interview session?
 2 A. Yes.
 3 Q. Is that right?
 4 A. Yes.
 5 Q. What did she reward you with, or what do you
 6 remember her rewarding you with?
 7 A. Sodas, ice cream.
 8 Q. But she didn't give you money, I take it?
 9 A. No.
 10 Q. She didn't give you items that had any particular
 11 value, such as maybe a doll that was expensive or --
 12 A. Not that I remember.
 13 Q. -- a bicycle?
 14 A. But when you're five it might as well have been
 15 something of value.
 16 Q. Okay, but that wasn't my question.
 17 MS. ZELLNER: She answered it.
 18 A. I answered it.
 19 Q. So the extent of her rewards, as you remember it,
 20 was giving you sodas and ice cream?
 21 A. Yes.
 22 Q. And set those aside for a minute, I want to go back
 23 to Exhibit 1. In Paragraph 8 you testified under oath on
 24 September 14, 2007, I do have a vague recollection of having
 25 been questioned by Detective Krause. I don't recall the

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1 details of the questioning and I don't recall the responses
 2 that I gave at that time even after reading the detective's
 3 reports.
 4 This was your testimony then?
 5 A. Yes.
 6 Q. And that's still true today?
 7 A. Yes.
 8 Q. And 9 is, you state, Paragraph 9, it is my belief
 9 that if I had been sexually abused in the manner described
 10 in the police reports alleged against my father I would have
 11 a memory of this having occurred. I have no such memory
 12 because I have -- I assume that's to be a no -- memory
 13 whatsoever of having been sexually abused by my father. I
 14 am concerned that I was never abused and that my father was
 15 wrongfully convicted.
 16 That was your testimony at the time under oath.
 17 Correct?
 18 A. Yes.
 19 Q. And that's true today, is it not?
 20 A. Yes.
 21 Q. Now I would have you take a couple minutes, or as
 22 much time as you need, I don't want to pressure you for
 23 time, to read Exhibits 2, 3 and 4.
 24 But before you do that, I just want to be clear,
 25 Mr. Camiel, as I understand it, provided you with Exhibit 2,

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1 which is the interview of October 16, 1984, correct?
 2 A. I believe so, yes.
 3 Q. And I think you testified he didn't give you
 4 Exhibit 3 and 4. Have you seen them since that time?
 5 A. Yes.
 6 Q. When did you first see Exhibit 3?
 7 A. I would have received these from you probably in
 8 the past couple weeks.
 9 Q. From you, you're referring to Ms. Zellner?
 10 A. Yes.
 11 Q. So up until the past four weeks would it be true
 12 that the only report of Detective Krause concerning her
 13 interviews of you that you reviewed was Exhibit 2?
 14 A. Yes, I believe so.
 15 Q. So take a few minutes, or however much time you
 16 need to, to read these.
 17 MR. FREIMUND: Shall we go off the record?
 18 MS. FETTERLY: Yes, let's go off the record.
 19 (Recess.)
 20 Q. (By Ms. Fetterly) Ms. Tetz, we were on break for
 21 probably, ten, 15 minutes. And have you had an opportunity
 22 to read Exhibit 2, Exhibit 3 and Exhibit 4?
 23 A. Yes.
 24 Q. I'm not saying you committed it to memory but you
 25 did get a chance to read it, I take it?

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1 A. Yes.
 2 Q. Now on Exhibit 2 on Page 2, the first full
 3 paragraph there's a statement by Ms. Krause that says, While
 4 we were at the mall. And I'm just bringing that up to put
 5 this in context.
 6 And then the next paragraph she states, When we were
 7 done shopping -- and backing up for a minute -- strike that.
 8 I think it's discussed in a prefatory paragraph, the
 9 purpose of going to the mall was for Ms. Krause to buy a
 10 coat. But the second full paragraph she states, being
 11 Ms. Krause, when we were done shopping I advised Katie that
 12 I was thirsty and we both sat down in the middle of the mall
 13 and drank a cold drink.
 14 That's what the report says, does it not?
 15 A. That's what what report says?
 16 Q. Exhibit 2.
 17 A. Yes.
 18 Q. It says that Ms. Krause and you sat down in the
 19 mall and drank a cold drink. So presumably she did buy you
 20 a cold drink?
 21 A. Yes.
 22 Q. And I think you testified that you remembered she
 23 bought you treats, I think is the word you used.
 24 A. Yes.
 25 Q. Would that cold drink constitute a treat, in your

REPORTER'S CERTIFICATE

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I, MARLIS J. DeJONGH, CCR, RPR, a Notary Public in
and for the State of Washington, do hereby certify:

That prior to being examined, the witness named in the
foregoing deposition was duly sworn to testify the truth,
the whole truth and nothing but the truth;

That said deposition was taken down by me in
shorthand at the time and place therein named and thereafter
transcribed by means of computer-aided transcription, and
that the foregoing transcript contains a full, true and
verbatim record of the said deposition;

I further certify that I have no interest in the
event of the action.

WITNESS my hand and seal this 30th day of November,
2012.

Notary Public in and for the State
of Washington, residing in Seattle.
My commission expires 01/2016.
Lic. No. DE-JO-NM-J498K9